REMARKS/ARGUMENTS

In the Office Action mailed May 27, 2008, claims 1, 6, 10, 14 and 28 stand rejected under 35 U.S.C. § 102. Claims 2, 4, 5, 7-9, 11-13, 15 and 17-24 stand rejected under 35 U.S.C. § 103. Claims 1, 10, 11 and 13-15 have been amended. Claims 26 and 27 stand objected to but are otherwise allowable if rewritten in independent form. Claim 16 has been canceled.

Applicant respectfully responds to the Office Action.

I.   Claims 1, 6, 10 and 14 Rejected Under 35 U.S.C. § 102(b)

Claims 1, 6, 10 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,838,838 to Overton (hereinafter, "Overton"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the … claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicant respectfully submits that the claims at issue, as currently amended, are patentably distinct from Overton. Overton does not disclose all of the limitations in these claims.

Claim 1 has been amended to recite "wherein the most unique pixel or pixels includes a least common pixel when compared to the group of pixels." Support for this amendment may be found in Applicant's Specification in at least paras. [49] through [51] of the present application. Applicant has amended the independent claims to further specify the meaning of "the most unique pixel or pixels". Overton does not disclose this subject matter.

Instead Overton states:

> If the original byte is determined to part of text, Step 6 determines, for each original pixel to be deleted, whether the pixel to be deleted is black and both

its neighboring pixels are white. The pixels immediately to the right and left
of the byte are assumed to be white even if, in actuality, they are not. If the
criterion is not met, the pixel is simply deleted in Step 5. On the other hand, if
the criterion is met, the pixel within the same byte immediately to the right
(as seen horizontally across a row of pixels) of the black pixel to be deleted is
forced to be black in Step 7. The black pixel to be deleted is then deleted in
Step 5 to achieve the desired horizontal scaling. In another embodiment, Step
7 forces the left neighbor to be black instead of the right neighbor.

Overton, col. 4, lines 1-13. This portion of Overton does not disclose "identifying a unique pixel or
unique pixels in the group of pixels, wherein the unique pixel or pixels comprises the most unique
pixel or pixels, and wherein the most unique pixel or pixels includes a least common pixel when
compared to the group of pixels." Overton does not disclose this subject matter because it recites
"Step 6 determines, for each original pixel to be deleted, whether the pixel to be deleted is black and
both its neighboring pixels are white. The pixels immediately to the right and left of the byte are
assumed to be white even if, in actuality, they are not." (Id.) This portion of Overton, as best
understood, appears to determine if the pixel to be deleted is black because the "pixels immediately
to the right and left of the byte are assumed to be white even if, in actuality, they are not." (Id.) This
does not disclose "wherein the most unique pixel or pixels includes a least common pixel when
compared to the group of pixels." Overton does not disclose "identifying . . . a least common pixel";
Overton discloses identifying if the pixel is black. Furthermore, Overton does not disclose
"identifying . . . most unique pixel or pixels includes a least common pixel when compared to the
group of pixels" because it does not appear to determine anything when compared to a group of
pixels. Overton simply determines if the pixel is black.

The cited portion of Overton actually describes a methodology by which text is preserved
during the down-scaling process. This can be clearly seen by the fact that the technique described
focuses on maintaining at least one black pixel if the two pixels that are adjacent to the black pixel
are both white. Obviously, it would be undesirable to delete such a black pixel and lose that text
element in its entirety in the scaled down version of the image.

However, the cited portions of Overton fail to disclose any notion of determining whether certain pixels are the <u>most unique</u> within a group of pixels, as recited in Applicant's independent claims 1, 10, and 14 (emphasis added). This distinction of determining the most unique pixel or pixels is very different from merely deciding which text pixels to delete in order to preserve the text in a smaller size, as shown in Overton. For example, the preserved black pixels in Overton may not be unique since there may be many preserved black pixels within a given group. Rather, the focus of the methodology of Overton appears to be on preserving what is necessary (and which may also be common) instead of what is most unique, as recited in Applicant's claims.

In view of the foregoing, Applicant respectfully submits that claim 1 is patentably distinct from Overton. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn because Overton does not disclose all of the subject matter of claim 1.

Claim 6 depends directly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claim 6 be withdrawn.

Amended claims 10 and 14 include subject matter similar to the subject matter of claim 1. As such, Applicant submits that claims 10 and 14 are patentably distinct from Overton for at least the same reasons as those presented above in connection with claim 1 and request that the rejection of these claims be withdrawn.

II.   Claims 1, 10, 14 and 28 Rejected Under 35 U.S.C. § 102(b)

Claims 1, 10, 14 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated the article entitled "Encoding of colour images using adaptive decimation and interplation" by Tsang et al. (hereinafter, "Tsang"). This rejection is respectfully traversed.

Claim 1 recites "copying one or more pixels including the unique pixel or the unique pixels from the group of pixels to a second bitmap, wherein the one or more pixels copied from the group of pixels to the second bitmap are not altered or transformed such that a new pixel value is not created, and wherein one or more pixels are not copied to the second bitmap and are not the unique pixel or pixels." Tsang does not disclose this subject matter.

Tsang states:

> Recently, adaptive decimation has shown significant improvement over USIC in preserving the essential edge patterns of an image along the horizontal direction. Instead of adopting a fixed decimation lattice, only pixels at sharp changing points of an intensity curve are sampled.

Tsang, page 51, col. 2, paragraph, 2. Later Tsang further clarifies the operation of the encoder when it states the following:

> An overall view of the encoder is shown in Fig. 2. The source picture $X(x, y)$ is first decimated in the vertical direction by a factor K and smoothed with low-pass Gaussian filtering to subsampled image $\overline{X}(x,y)$. The adaptive decimation scheme described is then employed to construct the sampling point sequence for each row of the image.

Tsang, page, 52, col. 1, paragraph 2. This portion of Tsang does not disclose "copying one or more pixels including the unique pixel or the unique pixels from the group of pixels to a second bitmap, wherein the one or more pixels copied from the group of pixels to the second bitmap are not altered or transformed such that a new pixel value is not created, and wherein one or more pixels are not copied to the second bitmap and are not the unique pixel or pixels." Tsang states that the "source picture is . . . smoothed with low-pass Gaussian filtering to" a subsampled image. A low-pass Gaussian filter would "alter or transform" the pixels.

In view of the foregoing, Applicant respectfully submits that claim 1 is patentably distinct from Tsang. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn because Tsang does not disclose all of the subject matter of claim 1.

Claim 6 depends directly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claim 6 be withdrawn.

Amended claims 10 and 14 include subject matter similar to the subject matter of claim 1. As such, Applicant submits that claims 10 and 14 are patentably distinct from Tsang for at least the same reasons as those presented above in connection with claim 1 and request that the rejection of these claims be withdrawn.

III.   Claims 2-4, 11-13, 15, 19 and 23 Rejected Under 35 U.S.C. § 103(a)

Claims 2-4, 11-13, 15, 19 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Overton in view of U.S. Patent No. 5,754,698 to Suzuki et al. (hereinafter, "Suzuki"). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). To establish a *prima facie* case of obviousness, the prior art references "must teach or suggest all the claim limitations." M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection "should be made explicit." KSR, 2007 U.S. LEXIS 4745, at **37. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicant respectfully submits that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the subject matter of these claims.

Claims 2 and 4 depend either directly or indirectly from claim 1. Claim 3 has been canceled, and thus, the rejection as to claim 3 is moot. Accordingly, Applicant respectfully requests that the rejection of claims 2 and 4 be withdrawn.

Claims 11-13 depend either directly or indirectly from claim 10. Accordingly, Applicant respectfully requests that the rejection of claims 11-13 be withdrawn.

Claims 15, 19 and 23 depend either directly or indirectly from claim 14. Claim 16 has been canceled, and thus, the rejection as to claim 16 is moot. Accordingly, Applicant respectfully requests that the rejection of claims 15, 19 and 23 be withdrawn.

IV.   <u>Claims 5, 7-9, 17, 18 and 20-22 Rejected Under 35 U.S.C. § 103(a)</u>

Claims 5, 7-9, 17, 18 and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Overton in view of Suzuki in further view of U.S. Patent No. 5,097,518 to Scott et al. (hereinafter, "Scott").

Claims 5 and 7-9 depend indirectly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 5 and 7-9 be withdrawn.

Claims 17, 18 and 20-22 depend indirectly from claim 14. Accordingly, Applicant respectfully requests that the rejection of claims 17, 18 and 20-22 be withdrawn.

V.   <u>Claim 24 Rejected Under 35 U.S.C. § 103(a)</u>

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Overton in view of Suzuki in further view of U.S. Patent Application Publication No. 2002/0186765 to Morley et al. (hereinafter, "Morley").
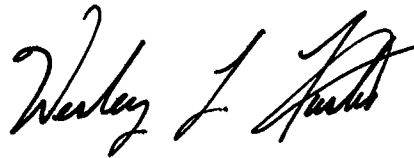
Claim 24 depends indirectly from claim 14. Accordingly, Applicant respectfully requests that the rejection of claim 24 be withdrawn.

VI.   Conclusion

Applicant respectfully asserts that all pending claims are patentably distinct from the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

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Date: August 27, 2008

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